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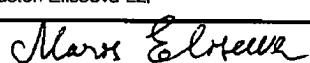
Total Number of Pages in This Submission

Application Number	09/683,713
Filing Date	February 6, 2002
First Named Inventor	Hilmar Gugel
Art Unit	2872
Examiner Name	Nguyen, Thong Q.
Total Number of Pages in This Submission	23
Attorney Docket Number	21295.40 (H5365US)

ENCLOSURES (Check all that apply)

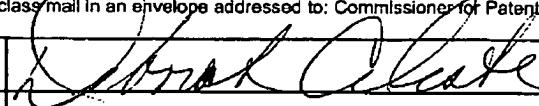
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Houston Eliseeva LLP		
Signature			
Printed name	Maria M. Eliseeva		
Date	November 4, 2004	Reg. No.	43,328

CERTIFICATE OF TRANSMISSION/MAILING

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re:	Hilmar Gugel, Joerg Bewersdorf and Stefan W. Hell	Confirmation No:	8638
Serial No:	09/683,713	Group:	2872
Filed:	February 6, 2002	Examiner:	Nguyen, Thong Q.
For:	Double Confocal Scanning Microscope		
Customer No.:	29127		
Attorney	21295.40 (H5365US)		
Docket No.			

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RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

VIA FACSIMILE: 703-872-9306
 Mail Stop Appeal Brief-Patents
 Assistant Commissioner for Patents
 P.O. Box 1450,
 Alexandria, Virginia 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment mailed October 4, 2004,
 Applicant resubmits the Appellant's Brief attached hereto in its entirety.

In accordance with attorney Martin Meder's phone conversation with the
 Examiner, the Appellant's Brief is being resubmitted in compliance with the new rules
 under 37 CFR Parts 1, 5, 10, 11 and 41.

Respectfully submitted,

HOUSTON ELISEEVA LLP

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Date: November 4, 2004

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